

State of California
The Resources Agency
DEPARTMENT OF WATER RESOURCES
Northern District

SUMMARY OF OPERATIONS
FOR
WATERMASTER SERVICE IN NORTHERN CALIFORNIA
1991 Season



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INTRODUCTION

Purpose and Benefits

The main purpose of watermaster service is to distribute water according to established water rights. This is done by apportioning to the rightful users the available supplies in streams that have had water right determinations.

Distribution of water in watermaster service areas is the lawful duty of the Department of Water Resources as directed in Part 4 of Division 2 of the California Water Code. Under watermaster service, water right holders are assured that their rights are protected without their having to take legal action against other users.

A major benefit of watermaster service to water users and the State is that court litigation and violent conflict, which in the past happened often, are now rare. Also, available supplies of water are better used, as waste is reduced through careful management.

Because both the water right holders and the State receive benefits from watermaster service, the costs of performing the service are shared. The State general tax fund pays one-half of the cost of operating each service area and the water right holders in the service area pay the other half. Individual users' shares are determined in accordance with Article 3 of Chapter 7 of the above-mentioned Part 4 of Division 2 of the Water Code. Although this work is done as efficiently as possible, considerable public funds are needed to (1) maintain skilled representatives in the field during the dry months of the growing season, and (2) maintain administrative support at Department headquarters. Nevertheless, most clients find the benefits of fair, reliable, and comparatively worry-free distribution of water to be far superior than doing without the State watermaster service.

Determination of Water Rights

Many of the streams under State watermaster service have had their water rights defined by the courts under one of three adjudication procedures. These judgments establish each holder's rights in terms of rate of diversion, season of use, point of diversion, and place of use. They also establish priorities whereby each holder's rights is ranked according to the rights of all other decreed holders. Under this system, all rights of any one priority must be fully satisfied before water can be diverted to holders of lower priority rights. The determinations of the courts are commonly called decrees.

Water rights decisions necessary for establishing watermaster service areas are accomplished by the following methods: (1) a statutory adjudication which defines all water rights on the stream; (2) a court adjudication which results when two or more parties have their water rights defined; and (3) a court reference whereby the State Water Resources Control Board makes an investigation and reports to the court regarding water rights of the parties involved. Water rights on Pine Creek near Alturas were determined by an agreement of the water users.

Non-Judicial Decisions

A permit or "license to appropriate" can be issued by the State Water Resources Control Board (SWRCB), or agreement can be reached by mutual consent of the water users involved.

Court Adjudication

A less extensive method of defining water rights is the "court adjudication" procedure. This type of adjudication results when two or more parties involved in a water rights dispute seek a solution to their problem under civil law. A decision handed down in such a civil action determines only the water rights of the parties involved in the action and therefore does not necessarily define all water rights on the stream. As a result, serious conflicts sometimes arise between decreed water right holders and persons claiming longer-standing riparian or appropriative rights that were not specified in the decree.

Court Reference

The "court reference" type of adjudication arises when a civil action, as discussed, is referred to SWRCB for a determination under authority contained in Sections 2000-2076 of the Water Code. The Board's report becomes the basis for the court's decision. As in court adjudications, a court referee determines only the water rights of the parties involved in the action.

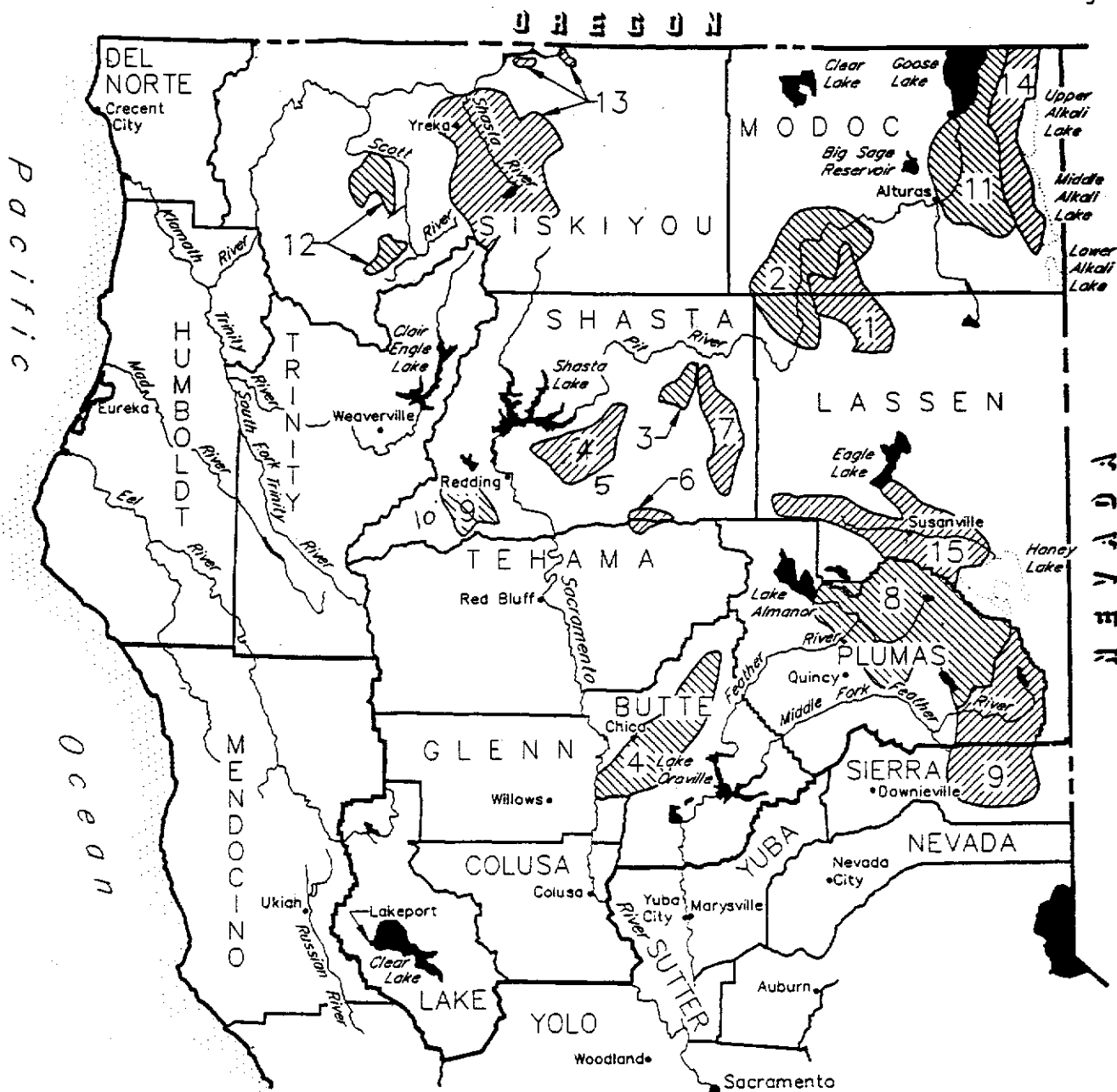
Statutory Adjudications

The California Water Code (Sections 2500-2900) gives a procedure whereby water users of any stream may petition the SWRCB, Division of Water Rights, to make a legal determination of all water rights on that stream. If the Board finds that such a determination is in the best public interest, it proceeds with a legally binding decision. This results in a court decree that defines all water rights on the stream.

Figure 1 contains a location map of the service areas, the number of decreed holders, and the amounts of water rights for each area. Table 1 lists the water right Superior Court decrees and their type.

Watermaster Service Areas

Figure 1



1991 Decreed Water Rights

| Service Area | Number of Decreed Water Right Holders | Total Decreed Water Rights ft ³ /s |
|---------------------------|---------------------------------------|---|
| 1. Ash Creek | 47 | 123.650 |
| 2. Big Valley | 50 | 206.780 |
| 3. Burney Creek | 11 | 33.090 |
| 4. Butte Creek | 46 | 431.840 |
| 5. Cow Creek | 99 | 56.562 |
| 6. Digger Creek | 111 | 23.401 |
| 7. Hat Creek | 87 | 135.716 |
| 8. Indian Creek | 49 | 96.715 |
| 9. M.F. Feather River | 119 | 376.739 |
| 10. N.F. Cottonwood Creek | 12 | 29.050 |
| 11. N.F. Pit River | 105 | 216.475 |
| 12. Scott River | 102 | 129.560 |
| 13. Shasta River | 208 | 623.857 1/ |
| 14. Surprise Valley | 199 | 400.970 2/ |
| 15. Susan River | 228 | 354.099 |

1/ includes Willow Creek near Ager which is based on a percentage of flow.

2/ includes Pine Creek near Alturas.

TABLE 1
WATERMASTER SERVICE AREAS, STREAM SYSTEMS
AND
SUPERIOR COURT DECREES REGULATING WATER DISTRIBUTION

| Watermaster Service Area | Name of Stream System ^{2/} | County | Number | Decree Date | Type [*] | Date Watermaster Service Area Created | Remarks |
|---------------------------|--|----------------------|-----------|-------------|-------------------|---------------------------------------|--|
| Ash Creek | Ash Creek and Lassen | Modoc ** | 3670 | 10-27-47 | CR | 4-03-58 | Included as part of Big Valley service area 1949 through 1958. |
| Big Valley | Pit River | Modoc ** and Lassen | 6365 | 2-17-59 | S | 11-13-34 | Service provided in accordance with recorded agreement in 1934. Service area operated under recorded agreement 1935 through 1958, and under decree since 1959. Service discontinued on December 31, 1981, and reactivated May 1, 1991. |
| Burney Creek | Burney Creek | Shasta | 5111 | 1-30-28 | CR | 9-11-29 | Service provided in accordance with decree since 1928. |
| Butte Creek | Butte Creek | Butte | 18917 | 11-08-42 | S | 1-07-43 | |
| Cow Creek ^{3/} | North Cow Creek | Shasta | 5804 | 4-29-32 | CR | 10-17-32 | |
| | Oak Run Creek | Shasta | 5701 | 7-22-32 | CR | 10-17-32 | |
| | Clover Creek | Shasta | 6904 | 10-04-37 | CR | 1-21-38 | |
| Digger Creek | Digger Creek | Shasta and Tehama ** | 2213 | 8-12-99 | C | 6-11-84 | |
| | | | 3214 | 5-27-13 | O | | |
| | | | 3327 | 10-18-17 | O | | |
| | | | 4570 | 2-24-27 | O | | |
| Hat Creek | Hat Creek | Shasta | 5724 | 5-14-24 | CR | 9-11-29 | Service provided in accordance with decree since 1924. |
| | | | 7858 | 10-07-35 | CR | | |
| Indian Creek | Indian Creek | Plumas | 4185 | 5-19-50 | S | 2-19-51 | |
| Middle Fork Feather River | Middle Fork Feather River | Plumas ** and Sierra | 3095 | 1-22-40 | S | 3-29-40 | |
| North Fork Cottonwood Cr. | North Fork Cottonwood Cr. | Shasta | 5479 | 6-09-20 | CR | 9-11-29 | Service provided intermittently in the accordance with the decree since 1924. |
| North Fork Pit River | North Fork Pit River and all tributaries except Franklin Creek | Modoc | 4074 | 12-14-39 | S | 12-18-39 | All stream systems consolidated into North Fork Pit River service area 12-13-40. |
| Scott River | New Pine Creek | Modoc | 2821 | 6-14-32 | CR | 6-22-32 | French, Shackelford, and Wildcat Creek were combined in 1980 to form the Scott River service area. Sniktaw Creek was added on April 1, 1981. |
| | Davis Creek | Modoc | 2782 | 6-30-32 | CR | 7-13-32 | |
| | Franklin Creek | Modoc | 3118 | 9-08-33 | CR | 9-14-33 | |
| | Cottonwood Creek | Modoc | 2344 | 5-03-40 | CR | 12-13-40 | |
| | | | | | | | |
| Seled Creek | French Creek | Siskiyou | 14478 | 7-01-58 | CR | 11-19-88 | No service provided since 1983. |
| | Shackelford Creek | Siskiyou | 13775 | 4-10-50 | S | 11-08-50 | |
| | Wildcat Creek | Siskiyou | 30882 | 1-18-80 | S | 5-01-80 | |
| | Sniktaw Creek | Siskiyou | 30882 | 1-18-80 | S | 4-01-81 | |
| Shasta River | Shasta River | Siskiyou | 7035 | 12-29-32 | S | 3-01-33 | |
| Surprise Valley | Willow Creek | Siskiyou | 24482 | 8-22-72 | S | 7-01-72 | All adjudicated stream systems in Surprise Valley were consolidated into the Surprise Valley service area on 1-10-39. Bidwell Creek was added on March 18, 1980. Service started on Cedar Creek in 1928 in accordance with the decrees. Service was provided on Soldier and Owl Creeks in 1929 in accordance with the decrees by order of the court. |
| | Cold Creek | Siskiyou | 29348 | 7-05-78 | S | 4-01-81 | |
| | Cedar Creek | Modoc | 1206 | 5-22-01 | C | 9-11-29 | |
| | | | 2343 | 2-15-23 | C | | |
| | Soldier Creek | Modoc | 2405 | 11-28-28 | CR | 9-11-29 | |
| | Owl Creek | Modoc | 2410 | 4-29-29 | CR | 9-11-29 | |
| | Emerson Creek | Modoc | 2840 | 3-25-30 | CR | 4-02-03 | |
| | Mill Creek | Modoc | 3024 | 12-19-31 | CR | 12-30-31 | |
| | Deer Creek | Modoc | 3101 | 1-25-34 | CR | 12-29-34 | |
| | Pine Creek near Cedarville | Modoc | 3391 | 12-07-36 | CR | 1-13-37 | |
| | Rader Creek | Modoc | 3628 | 8-04-37 | CR | 8-12-37 | |
| | Eagle Creek | Modoc | 2304 | 4-05-28 | CR | 1-10-38 | |
| | | | 3284 | 11-05-37 | CR | | |
| | Pine Creek near Alturas | Modoc | Agreement | 11-22-23 | | 1-12-35 | |
| | | | | | | | |
| Susan River | Cottonwood Creek | Modoc | 6903 | 12-01-84 | C | 7-01-77 | Pine Creek was transferred from North Fork Pit River to Surprise Valley Watermaster service Area in 1988. |
| | Bidwell Creek | Modoc | 6420 | 1-13-80 | S | 3-18-80 | |
| | | | | | | | |
| | Susan River | Lassen | 4573 | 4-18-40 | CR | 11-10-41 | |
| | Badger Creek | Lassen | 8174 | 12-15-55 | S | 2-18-58 | |
| | Parker Creek | Lassen | 8175 | 12-15-55 | S | 2-18-58 | |

* Explanation of type of decrees:

- C - Court adjudication (court makes determination from evidence submitted--no report of referee)
- CR - Court reference (referred to State Water Resources Control Board for investigation and report)
- S - Statutory adjudication (State Water Resources Control Board is petitioned by water users to make a determination of all water rights on a stream system)

** Decree entered by the Superior Court of this county.

^{2/} Major tributaries only; a complete listing is given in "Watermaster Service Areas and Stream Systems", page 8.

^{3/} Mainstem Cow Creek not in service area.

Watermaster Service Areas

Watermaster service is provided in areas where the rights have been defined by the superior court of the county, or by agreement, and where an unbiased qualified person is needed to properly apportion the available water according to the established rights. The Director of the Department of Water Resources creates watermaster service areas where these conditions exist, following either a request by the users or an order by the superior court.

The first watermaster service areas were created in September 1929. Before then, some watermaster service was provided in accordance with the Water Commission Act of 1913. There are now about 50 streams in Northern California that are under State watermaster service. The newest service areas were created in 1979.

The counties and principal water sources of the various service areas in Northern California are listed in Table 2.

Of these fifteen areas, thirteen are in the Department's Northern District and two are in the Division of Operation and Maintenance, Oroville Field Division.

Description of Region

The service areas are mainly in the mountainous northeastern part of the State where the growing season varies between about 100 and 140 days. Meadow hay and alfalfa are the principal crops under irrigation, although much land is used exclusively for pasturing livestock. Most irrigation is done by gravity systems, with water users diverting directly from the streams at one or more diversion points. However, pumped diversions and sprinkler irrigation systems are becoming popular in some areas.

Watermaster Responsibilities

To assure the proper distribution of water within the service area, each watermaster must ascertain the amount of water available and distribute it both by amount and priority according to established water rights.

Authority

To accomplish this, the watermaster gets his authority both from Water Code and from provisions of pertinent court decrees or voluntary agreements to physically regulate the streams in the service area. He is further authorized to supervise the design, construction, operation, and maintenance of diversion dams, headgates, and measuring devices.

Each watermaster supervises water distribution at around 100 to 200 diversions in one or more service areas. The need for frequently checking and regulating these diversion points increases substantially in years of short water supply.

TABLE 2
WATERMASTER SERVICE AREAS AND STREAM SYSTEMS

| Service Area | County | Principal Water Sources | |
|--------------------------------|----------------|---|--|
| | | MAJOR STREAM and Tributaries ^{1/} | Reservoirs and Nontributary Streams |
| Ash Creek | Lassen, Modoc | ASH CREEK Butte, Rush, and Willow Creeks | |
| Big Valley | Modoc, Lassen | PIT RIVER Ash Creek | Lower Roberts Reservoir |
| Burney Creek | Shasta | BURNEY CREEK | |
| Butte Creek | Butte | BUTTE CREEK | West Branch Feather River |
| Cow Creek | Shasta | COW CREEK ^{2/} North Cow, Clover, Oak Run, and Cedar Creeks | |
| Digger Creek | Shasta, Tehama | DIGGER CREEK | |
| Hat Creek | Shasta | HAT CREEK | |
| Indian Creek | Plumas | INDIAN CREEK Lights Creek, Wolf Creek | |
| Middle Fork Feather River | Plumas, Sierra | MIDDLE FORK FEATHER RIVER Little Last Chance, Smithneck, Webber and Fletcher Creeks; Spring Channels; Westside Canal | Little Truckee River |
| North Fork Cottonwood Creek | Shasta | NORTH FORK COTTONWOOD CREEK | Rainbow Lake |
| North Fork Pit River | Modoc | NORTH FORK PIT RIVER Parker Creek | Cottonwood, Davis, and New Pine Creek |
| Scott River | Siskiyou | FRENCH CREEK Shackleford, Mill, Miners, Wildcat, Oro Fino, Sniktaw Creeks | Cliff and Campbell Lakes |
| Shasta River | Siskiyou | SHASTA RIVER Little Shasta River | Dwinnell Reservoir (Lake Shastina), Cold Creek, Willow Creek |
| Surprise Valley | Modoc | NONE (All creeks listed at right are unconnected) | Bidwell, Mill, Soldier, Pine near Cedarville, Cedar, Deep, Cottonwood, Owl, Rader, Eagle, Emerson, and Pine Creek near Alturas |
| Susan River | Lassen | SUSAN RIVER Willow Creek | Lake Leavitt, Hog Flat, McCoy Flat Reservoirs; Baxter and Parker Creeks |

^{1/} Major tributaries only.

^{2/} Mainstem Cow Creek not in service area.